



PATENT

Attorney Docket 054163-5001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Stephen A. Jobling et al.** )Application No. **09/297,703** )Examiner: **Anne R. Kubelik** )Filed: **July 19, 1999** )Group Art Unit: **1638** )For: **Nucleic Acids From Cassava Encoding  
Starch Branch Enzyme II (SBEII) And  
Their Use (as amended)** )**RECEIVED****OCT 02 2003**

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**TECH CENTER 1600/2900****TRANSMITTAL FORM**

- Transmitted herewith is an Amendment and Response Under 37 C.F.R. § 1.111 in response to the Office Action dated May 27, 2003.
- Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. Applicants petition for a one-month extension of time from August 27, 2003 to September 27, 2003, the fee for which is **\$110.00** as set out in 37 C.F.R. § 1.17(a). This response is being filed under the next business day rule on Monday, September 29, 2003 as the due date for responding fell on a weekend (Saturday, September 27, 2003). The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. § 1.16 and § 1.17, or credit any overpayment to Deposit Account 50-0310.
- Fee Calculation (37 C.F.R. § 1.16):

| CLAIMS AS AMENDED                              |           |       |                 |       |            |            |
|--|-----------|-------|-----------------|-------|------------|------------|
|  | Remaining |       | Previously Paid | Extra | Rate       | Total Fees |
| Total Claims                                   | 18        | minus | 79              | 0     | \$18 each= | 0.00       |
| Independent Claims                             | 4         | minus | 6               | 0     | \$84 each= | 0.00       |
| First presentation of Multiple dependent claim |           |       |                 |       | \$280.00   | 0.00       |
| Sub-total =                                    |           |       |                 |       |            | 0.00       |
| Reduction by ½ for filing by a small entity    |           |       |                 |       |            | 0.00       |
| Total Fee =                                    |           |       |                 |       |            | 0.00       |

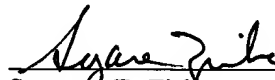
- Additional papers submitted:
  - Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825.
  - Sequence Listing (69 pages)
  - Computer diskette with sequence listing

(iv) Exhibit A - Copy of Kiel *et al.* (1987) "A general method for the construction of *Escherichia coli* mutants by homologous recombination and plasmid segregation," *Mol. Gen. Genet.* 207:294-301, Springer-Verlag, Berlin, Germany.

5. Fee Payment: The Commissioner is hereby authorized to charge **\$110.00** to Deposit Account No. 50-0310 for payment of the two-month extension of time fee.
6. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **September 29, 2003**  
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202-739-3000

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

  
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